

## Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 AF-10 EA-11 EUR-25 NEA-14 RSC-01

CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 FEA-02 CEQ-02

COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04 SCI-06

ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00

OMB-01 OIC-04 TRSE-00 DRC-01 /272 W

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R 131726Z AUG 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5275

INFO USUN NEW YORK 748

C O N F I D E N T I A L SECTION 1 OF 2 CARACAS 7732

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FROM USDEL LOS

EO 11652: GDS

TAGS: PLOS

SUBJECT: LOS - WEEKLY ANALYTICAL SUMMARY, AUGUST 5-9

1. SUMMARY. REACTION TO U.S. ECONOMIC ZONE AND CONTINENTAL SHELF ARTICLES IS PROMISING. STRONG U.S. STATEMENT ON CONDITIONS FOR DEEP SEABED EXPLOITATION IS GIVING LDCS PAUSE AND MAY PRODUCE DETAILED LDC COUNTER-DRAFT. SCIENTIFIC RESEARCH NEGOTIATION IS BEGINNING TO MOVE FORWARD IN COMMITTEE III. END SUMMARY.

2. A. COMMITTEE I - DISCUSSIONS IN C-1 HAVE LARGELY CENTERED ON MOST CRITICAL ISSUES UNDER COMMITTEE'S MANDATE-EXPLOITATION SYSTEM, CONDITIONS OF EXPLOITATION AND ECONOMIC ASPECTS OF EXPLOITATION. THERE HAS BEEN LESS RHETORIC AND FEWER PROCEDURAL DEBATES THAT PREVIOUSLY  
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EXPERIENCED

IN SEABED COMMITTEE, AND WITH FEW EXCEPTIONS, QUALITY OF DISCUSSION IS RAPIDLY APPROACHING THAT OF GENUINE NEGOTIATION.

B. DURING COURSE OF SESSION, GROUP OF 77 HAS BEEN ABLE TO OVERCOME OBSTRUCTIONIST TACTICS OF PERU AND OTHERS AND TO PRESENT FULLY ENDORSED GROUP OF 77 TEXT ON SYSTEM OF EXPLOITATION WHICH, ALTHOUGH ENTIRELY UNACCEPTABLE TO U.S., EMBODIES GREAT FLEXIBILITY WITH RESPECT TO TYPES OF LEGAL RELATIONSHIPS FOR SEABED EXPLOITATION THAT CAN BE ENTERED IN TO BY AUTHORITY. ON QUESTIONS OF CONDITIONS FOR EXPLOITATION AND ECONOMIC IMPLICATIONS LDC SOLIDARITY HAD BEEN WEAKENED. LDCS IN C-1 HAVE INDICATED STRONG DESIRE TO CONSIDER SERIOUS NEGOTIATION OF ARTICLE 9, "WHO MAY EXPLOIT THE AREA," IN HPES OF ARRIVING AT CONSENSUS TEXT BY END OF CARACAS SESSION, ALTHOUGH THERE IS SOME LDC SENTIMENT TO ENGAGE IN MOCH NEGOTIATION AND PUT ARTICLE 9 TO A VOTE.

C. CONSULTATIONS WITH GROUP OF 5 ON SEABEDS ISSUES HAVE BEEN SLIGHTLY STRAINED THIS SESSION, PRIMARILY BECAUSE OTHER MEMBERS OF GROUP APPEAR TO HAVE MORE FLEXIBILITY ON SOME ISSUES OF CRUCIAL IMPORTANCE (SUCH AS QUOTA SYSTEM, AND POSSIBLY ECONOMIC IMPLICATIONS) BUT ARE GENERALLY MORE RELUCTANT TO ENGAGE IN CONCEPTUAL OR COSMETIC COMPROMISES THAN U.S. (OUR OVERALL TACTIC THIS SUMMER HAS BEEN TO DOWNPLAY TERMINOLOGY, WHILE STRESSING NECESSITY FOR SPELLING OUT HOW SYSTEM WOULD WORK THROUGH REGULATION). ONE POSSIBLE EXPLANATION FOR THIS DIVERGENCE IN POSITIONS MAY BE THAT OTHER MEMBERS ARE CONTEMPLATING FINAL ACCEPTANCE OF DUAL SYSTEM THAT WOULD INCLUDE LICENSING IN PARALLEL WITH DIRECT EXPLOITATION RATHER THAN UNITARY SYSTEM. (USSR CONDITIONALLY ACCEPTED THIS

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APPROACH IN 1973, ALTHOUGH WE HAVE NO SUBSTANTIATION THAT OTHERS INTEND TO DO SO.)

D. PRINCIPAL IMPEDIMENT TO GENUINE PROGRESS APPEARS TO BE UNWILLINGNESS OF LDCS TO SERIOUSLY CONSIDER RULES AND REGULATIONS UNTIL CONCEPTUAL

QUESTION OF AUTHORITY'S CONTROL OVER SEABED EXPLOITATION IS RESOLVED.  
U.S. ON OTHER HAD HAS INDICATED NO WILLINGNESS TO NEGOTIATE  
EXPLOITATION  
SYSTEM WITHOUT GUARANTEE THAT THERE WILL BE SATISFACTORY REGULATORY  
PRO-  
VISIONS IN TREATY. EVIDENCE OF THIS IMPASSE CAN BE SEEN IN LDC DELS  
REFUSAL TO ALLOW JAMAICAN PROPOSAL ON ARTICLE 9 WHICH EMPHASIZED REGU  
LA-  
TORY PROVISIONS TO APPEAR AS FOOTNOTE TO GROUP OF 77 ALTERNATIVE  
FOR THAT ARTICLE. ALTHOUGH U.S. CANNOT ACCEPT FORMULA FOR  
EXPLOITATIONS  
SYSTEM WHICH IS NOT EXPRESSLY CONDITIONED ON REGULATIONS TO BE DEVELO  
PED  
BY CONFERENCE, IT MAY BE POSSIBLE TO INITIATE NEGOTIATIONS ON ARTICLE  
9  
IN CONJUNCTION WITH NEGOTIATIONS ON PROVISIONS FOR REGULATIONS. TO  
ACHIEVE THIS SOLUTION, HOWEVER, WE WILL HAVE TO OBTAIN LDC COMMITMENT  
TO  
INCLUSION OF SOME REGULATIONS IN TREATY AND ESTABLISHMENT OF A  
WORKING  
GROUP MANDATED TO DRAFT TREATY ARTICLES ON BASIC CONDITIONS OF EXPLOI  
-  
TATION.

E. C-1 HAS DEVOTED CONSIDERABLE TIME TO BOTH FORMAL AND INFORMAL  
DEBATE  
ON SUBJECT OF ECONOMIC EFFECTS OF SEABED PRODUCTION ON LDC LAND-BASED  
PRODUCERS. IN COURSE OF THESE DISCUSSIONS LDC CONSUMER INTERESTS HAVE  
BEEN JUXTAPOSED AGAINST PRODUCER INTERESTS IN CONTROLS OVER SEABED  
DEVELOPMENT BY SEVERAL LDC REPS. IN ADDITION, CLEAR CONSENSUS HAS  
EMERGED THAT PRESENT DATA REGARDING PROBABLE  
EFFECTS IS UNRELIABLE. WRAP-UP DEBATE INCLUDED SEVERAL STATEMENTS BY  
PREVIOUSLY HARD-LIN LDC REPS WHICH IMPLY SOME SOFTENING IN POSITIONS  
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MAY EVENTUALLY EMERGE.

3. COMMITTEE II - A. ECONOMIC ZONE - WITH DEBATE FOCUSED ON ECONOMIC  
ZONE,  
PRINCIPAL GENERAL PROBLEMS ARE:

(1) COASTAL STATE JURISDICTION OVER NON-RESOURCE ACTIVITIES  
(E.G., POLLUTION, SCIENTIFIC RESEARCH, ETC.)

(2) FULL UTILIZATION OF FISH STOCKS, AND RELATED QUESTION OF  
ACCESS BY OTHER STATES, INCLUDING LEANDLOCKED STATES.

(3) JURISDICTION OVER CONTINENTAL MARGIN BEYOND 200 MILES, AND  
RELATED QUESTION OF REVENUE-SHARING.  
THESE PROBLEMS ARE REASON FOR HIGHLY THEORETICAL LDC DISCUSSIONS OF

"ESSENTIAL CHARACTER" OF ECONOMIC ZONE, WITH CANADA STRONGLY PRESSING THE LINE THAT THE ECONOMIC ZONE IS NOT MERELY A RESOURCE ZONE BUT A ZONE OF COASTAL STATE MANAGEMENT. THUS, THE WIDESPREAD SUPPORT FOR A 12-MILE TERRITORIAL AREA AND A 200-MILE ECONOMIC ZONE AS PART OF AN OVERALL LOS PACKAGE IS NOT READILY TRANSLATABLE INTO SPECIFICS. NEW U.S. ARTICLES ON ECONOMIC ZONE (TRANSMITTED SEPARATELY) HAVE HOWEVER BEEN WELL RECEIVED, AND UPCOMING MEETINGS WITH COASTAL STATE GROUP AND WITH AFRICANS ON ARTICLES MAY BE PRODUCTIVE.

B. STRAITS - U.S. STRONG NEGATIVE REACTION TO WARSHIP-COMMERCIAL VESSEL DISTINCTION IS NOW WIDELY KNOWN, AND SEEMS TO BE HAVING DAMPENING EFFECT ON THAT IDEA. PRIVATE CONVERSATIONS CONTINUE TO CONFIRM THAT TREND CONTINUES IN OUR DIRECTION.

C. ARCHIPELAGOS- EXTREME TURKISH REACTION TO CANADIAN, INDIAN, ETC. PAPER ADVOCATING ARCHIPELAGO TREATMENT FOR ISLANDS OF CONTINENTAL STATES SEEMS TO HAVE GIVEN INDONESIA AND OTHERS PAUSE, AS IT APPEARS TURKEY HAS CLEAR ARAB SUPPORT. COUPLED WITH REPORTS THAT LDCS ARE GETTING A BIT TIRED OF CANADIAN HARPING ON POLLUTION JURISDICTION, IT MAY BE THAT THEY ARE OVERPLAYING THEIR HAND.

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4. COMMITTEE III (POLLUTION)- A. LACK OF MOVEMENT ON POLLUTION ISSUES SEEMS DUE ONLY STATED INTENTION OF LEAST SOME DEVELOPING COUNTRIES NOT TO MOVE FASTER ON THESE ISSUES THAN ON NEGOTIATION ON ECONOMIC ZONE IN COMMITTEE II. LAST WEEK HAS PRODUCED SOME MOVEMENT, PERHAPS DUE TO FORMAL SUBMISSION OF PAPER BY SEVERAL COASTAL STATES SETTING OUT THE ECONOMIC ZONE APPROACH TO POLLUTION CONTROL, I.E., ESSENTIALLY COMPLETE COASTAL STATE JURISDICTION OVER ALL SOURCES FOR BOTH STANDARD-SETTING AND ENFORCEMENT. CHAIRMAN VALLARTA HAS MADE STRONG EFFORT TO GET MOVEMENT EITHER IN INFORMAL SESSIONS OR IN A SMALL NEGOTIATING GROUP BUT HAS BEEN LARGELY FRUSTRATED IN HIS EFFORTS BY PROCEDURAL WRANGLING. NORWAY HAS RECENTLY ESTABLISHED A SMALL PRIVATE NEGOTIATING GROUP (INCLUDING U.S.) ALONG LINES OF EVENSEN GROUP ON RESOURCES TO ATTEMPT TO DEAL WITH CONTROVERSIAL MARINE POLLUTION ISSUES RELATING TO VESSELS. EARLY MEETINGS OF GROUP ON DUMPING QUESTIONS SHOW SOME PROMISE FOR PROGRESS.

NOTE BY OCT: NOT PASSED ADDRESSEE.

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C O N F I D E N T I A L SECTION 2 OF 2 CARACAS 7732

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FROM USDEL LOS

B. SUBSTANTIVELY, MAIN ISSUES OF DISCUSSION AND CONTENTION TO DATE  
HAVE DEALT WITH DEVELOPING COUNTRY DISIRE TO HAVE DOUBLE STANDARD REG  
ARD-  
ING BOTH ESTABLISHMENT AND APPLICATION OF POLLUTION CONTROL STANDARDS.

INDIA, KENYA AND BRAZIL HAVE BEEN MOST VOCAL ON THIS ISSUE. BASIC  
THRUST  
OF APPROACH HAS BEEN TO INCLUDE LANGUAGE ALLOWING STATES TO TAKE  
THEIR  
NATIONAL ENVIRONMENTAL AND ECONOMIC DEVELOPMENT POLICIES INTO ACCOUNT  
WHEN CARRYING OUT THEIR INTERNATIONAL POLLUTION CONTROL OBLIGATIONS.  
U.S. AND MOST DEVELOPED COUNTRIES HAVE STRONGLY OPPOSED THIS MOVE BUT  
HAVE BEEN SOMEWHAT UNDERCUT BY CANADIAN ACCEPTANCE OF DEVELOP-  
ING COUNTRY APPROACH. THERE WAS SOME PROGRESS ON QUESTION OF  
VESSEL CONSTRUCTION STANDARDS AS MANY DEVELOPING COUNTRIES

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NOW WILLING TO HAVE SUCH STANDARDS SET THROUGH AN INTERNATIONAL PROCESS, PROBABLY THROUGH IMCO, RATHER THAN BY COASTAL STATES. MEXICAN REP HAS TOLD US LATIN AMERICAN GROUP HAS TAKEN FAVORABLE DECISION ON THIS POINT. HOWEVER, DEVELOPING COUNTRIES CONTINUE TO ARGUE FOR COASTAL STATES RIGHTS TO SET DISCHARGE STANDARDS AND TO ENFORCE ALL STANDARDS IN ENTIRE ECONOMIC ZONE. POSITIONS ON THESE ISSUES SHOULD BECOME MORE CLEAR WHEN THEY ARE REACHED IN THE AGENDA FOR DEBATE IN INFORMAL SESSIONS.

C. U.S. HAS CONTINUED TO COORDINATE WITH GROUP OF FIVE (U.S. USSR, U.K., FRANCE AND JAPAN) AND GROUP OF 17 (ABOVE PLUS SWEDEN, NORWAY, DENMARK, BELGIUM, NETHERLANDS, FRG, ITALY, GREECE, FINLAND, GDR, BULGARIA, AND POLAND) ALTHOUGH THERE ARE GROWING DIFFERENCES WITHIN THE GROUP ON TACTICS AND SUBSTANCE OF DEALING WITH DEVELOPING COASTAL STATE POSITIONS ON VESSEL-SOURCE POLLUTION. SEVERAL WANT TO MAKE LIMITED PROPOSALS DESIGNED TO HELP SATISFY DEVELOPING COUNTRIES. DENMARK, FOR EXAMPLE, HAS MADE PUBLIC PROPOSAL ALLOWING CERTAIN COASTAL STATE ENFORCEMENT RIGHTS BEYOND TERRITORIAL SEA. FRG AND GREECE HAVE PUBLICLY PROPOSED HIGH SEAS INSPECTION RIGHTS. USSR HAS PROPOSED RIGHTS TO SET STANDARDS AND TAKE ENFORCEMENT ACTION AGAINST DUMPING IN AN UNSPECIFIED ZONE OFF THE COAST. U.S. IS IN PROCESS OF TRYING TO GET AN AGREED SET OF ARTICLES WITH GROUP OF 17 OR AT LEAST WITH A LARGE NUMBER OF ITS MEMBERS WHICH CAN BE PROPOSED TO CONFERENCE AS COUNTER TO COASTAL STATE ARTICLES. WIDE SPECTRUM OF DIFFERENT APPROACHES MAKES THIS DIFFICULT, HOWEVER, AND PERHAPS IMPOSSIBLE.

D. U.S. BILATERAL EXPLORATORY DISCUSSIONS WITH CANADA, THE LEADER OF THE COASTAL STATE GROUP, HAVE REVEALED A PRIMARY INTEREST IN PROTECTING THE ARCTIC THROUGH AN APPROACH COMBINING COASTAL STATE RIGHTS TO SET DISCHARGE STANDARDS AND TO ENFORCE ALL STANDARDS (PERHAPS WITH STRICT LIMITATIONS REGARDING ENFORCEMENT OF CONSTRUCTION STANDARDS) AND COASTAL

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STATE STANDARDS SETTING FOR CONSTRUCTION AND DESIGN IN VULNERABLE

AREAS

WITH AN INTERNATIONAL REVIEW PROCESS. THESE DISCUSSIONS ARE CONTINU-  
ING  
AS WE ATTEMPT TO ASCERTAIN DETAILS ON CANADIAN POSITION AND POSSIBLE  
AREAS OF FLEXIBILITY.

5. COMMITTEE III (SCIENTIFIC RESEARCH) - A. MOVEMENT HAS FINALLY  
BEGUN.

LAST WEEK SAW SECRETARIAT PRESENT TECHNOLOGY REPORT AND NIGERIA INTRO  
-  
DUCE ARTICLES ON TRANSFER OF TECHNOLOGY. ALTHOUGH NAIVE AND UNACCEPTA  
BLE  
TO U.S. NIGERIA ARTICLES WERE FIRST ON SUBJECT AND MAY SERVE TO  
RELIEVE  
COMMITTEE III CHAIRMAN YANKOV'S NEED TO MAKE CONTINUOUS REFERENCE TO  
LACK OF PROGRESS ON TECHNOLOGY TRANSFER, THUS PERMITTING INFORMAL  
WORKING  
GROUP TO CONTINUE TO NARROW DIFFERENCES ON SCIENTIFIC RESEARCH  
ARTICLES.

B. WORKING GROUP UNDER CHAIRMAN METTERNICH MADE SUBSTANTIAL PROGRESS.  
FORMULATION OF GENERAL PRINCIPLES BY METTERNICK WAS MOST HELPFUL  
SINCE

IT PROVIDED FIRST OPPORTUNITY FOR WORKING GROUP TO REACH AGREEMENT.  
METTERNICK ALSO DRAFTED FOUR "TRENDS" WHICH WILL BE BASIS FOR DISCUSS  
-

ION DURING REMAINING SESSIONS AND WHICH, IT ACCEPTED, WILL BE ADVAN-  
TAGEOUS TO U.S. TRENDS REPRESENT 1) CONSENT ARTICLES SUBMITTED BY  
KENYA AND 17 OTHER STATES; 2) QUALIFIED CONSENT ARTICLES OF MEXICO  
AND  
IRELAND; 3) U.S. ARTICLES; AND 4) SOVIET ARTICLES. MOREOVER, SINCE  
DEVELOPING COUNTRIES THIS WEEK INDICATED PRIVATELY TO METTERNICK  
THEIR  
BELIEF THAT THE MEXICAN-IRISH PROPOSAL MIGHT WELL PROTECT THEIR  
INTEREST  
AND SERVE AS A USEFUL BASIS FOR DISCUSSION, THERE IS A SLIGHT  
POSSIBILITY  
THAT TREND 1) MAY BE ELIMINATED BY END OF CARACAS SESSION.

C. INFORMAL DRAFTING GROUP CONSISTING OF AUSTRIA, DENAMRK, SWEDEN,  
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SWITZERLAND, FRG, U.K., FRANCE, POLAND, USSR, SINGAPORE, ITALY, THAI-  
LAND,  
JAPAN AND NETHERLANDS-- WITH U.S. AS "OBSERVER--- CONTINUES TO MEET  
DAILY AND TO DRAFT ARTICLES WHICH INCORPORATE U.S. POSITION. GROUP  
WORKING HARD TO BROADEN ITS MEMBERSHIP TO INCLUDE MORE LDCS.  
STEVENSON

NOTE BY OCT: NOT PASSED ADDRESSEE.

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## Message Attributes

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**Original Previous Handling Restrictions:** n/a  
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